

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JESSE I. KAUTZ,

Defendant.

CASE NO. CR16-5253-BHS

**ORDER OF DETENTION
CONCERNING PETITIONS RE:
VIOLATION OF CONDITIONS
OF BOND AND CONDITIONS OF
SUPERVISION**

THIS MATTER comes on for an initial hearing on the Supplemental Petition of the

17 United States Probation Office alleging that the defendant has violated the conditions of bond
18 and conditions of supervision, and requesting detention pending final adjudication of the
19 allegations. Dkt. 73.

The plaintiff appears through Assistant United States Attorney, Andrew Colasurdo.

The defendant appears personally and represented by counsel, Miriam Schwartz.

The U.S. Probation Office has filed a petition alleging violations of the terms and conditions of bond (Dkt. 69), and supervision (Dkt. 63) and the defendant has been advised of the allegation(s).

**ORDER OF DETENTION CONCERNING
PETITIONS RE: VIOLATION OF CONDITIONS
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1 The court finds probable cause with regard to the allegation(s) and schedules a
2 hearing on the current petition (Dkt. 73) and the previous petition (Dkt. 64) to be
held at the time and date below set forth before Judge Benjamin H. Settle:

3 Date of hearing: October 23, 2018

4 Time of hearing: 11:00am

5 IT IS ORDERED that the defendant

6 __ Be released on an appearance bond, subject to the terms and conditions set forth
thereon.

7 ~~X~~ Be detained, and there is probable cause to believe that the defendant has violated
8 conditions of supervision and conditions of bond; defendant has failed to show by
9 clear and convincing evidence that he/she will not flee or pose a danger to any other
person or the community pursuant to 18 U.S.C. § 3143 (a) (1); CrR 32.1(a)(6), and
CrR 46(c),(d); defendant is to be delivered as ordered by the court for further
proceedings.

11 The record shows that the defendant has a history of repeated contact with Ms. Octavia
12 Rivera, also known as Ms. Octavia Newton, despite no-contact orders (due to a history of
13 domestic violence between the defendant and Ms. Rivera) that have issued in state court. Dkt. 31
14 at 6-8, 10. The current petition, Dkt. 73, alleges that again he had contact with Ms. Rivera and he
15 admitted to that contact. The defendant has not shown by clear and convincing evidence that he
16 does not pose a danger to any other person or to the community.

17 In addition, the defendant has a history of failing to appear, as noted in the pretrial
18 detention order (Dkt. 11 at 1). He recently showed that he would not comply with a court order
19 when he failed to report to his probation officer in November 2017: after the United States
20 Probation Office submitted a petition to revoke his release based on violation of a condition of
supervision (failing to report within 72 hours of release from custody), an arrest warrant was
21 issued by Judge Settle on November 21, 2017. Dkt. 56 at 2. The defendant was arrested on
22 March 10, 2018, and ordered detained pending resolution of the petition. Dkt. 58. The defendant
23 was sentenced to time served (he was detained between March 10-April 2, 2018) for violating
24 ORDER OF DETENTION CONCERNING
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1 the terms of his supervised release. Dkt. 63. The defendant has not shown by clear and
2 convincing evidence that he is not a risk of flight/failing to appear. In addition, there are no
3 conditions, or combination of conditions that would mitigate the risk of flight or the risk of
4 danger to another person or to the community.

5 The clerks shall direct copies of this order to counsel for the United States, to counsel for
6 the defendant, the United States Marshal and to the United States Probation Office and/or
7 Pretrial Services Office.

8 Dated this 21st day of September, 2018.

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10 _____
11 Theresa L. Fricke
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13 United States Magistrate Judge
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PETITIONS RE: VIOLATION OF CONDITIONS
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